



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 28, 1994

Ms. Emily E. Helm
Director of Legal Services
Texas Youth Commission
P.O. Box 4260
Austin, Texas 78765

OR94-747

Dear Ms. Helm:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 29110.

The Texas Youth Commission (the "commission") has received a request for information relating to seven children in the commission's custody. Specifically, the requestor seeks "hearings documents of the seven students that had . . . hearings for their behavior on the night of 4/28/94," including "the hearings notes, typed statements of everything said by the students[,] . . . questions and statements by Brownwood State School Staff, the students' advocates . . . , the hearing examiner and any other parties participating in the aforesaid hearings." You seek to withhold the requested information under section 552.101 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 in conjunction with section 51.14(b) of the Family Code, which provides as follows:

All files and records of a public or private agency or institution providing supervision of a child by arrangement of the juvenile court or having custody of the child under order of the juvenile court are open to inspection only by:

(1) the professional staff or consultants of the agency or institution;

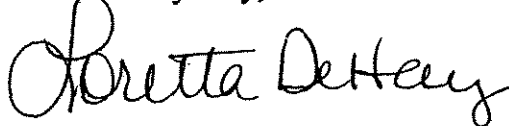
- (2) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (3) an attorney for the child;
- (4) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the work of the agency or institution; or
- (5) the Texas Department of Corrections, the Department of Public Safety, and the Texas Juvenile Probation Commission, for the purpose of maintaining statistical records of recidivism, and for diagnosis and classification.

Fam. Code § 51.14(b) (footnote omitted); *see also* Attorney General Opinions MW-359 (1981) (concluding that county child welfare unit may share information under section 51.14(b)(1) with county juvenile probation board); H-660 (1975) (concluding that Texas Youth Council may share information with Texas Interagency Task Force under section 51.14(b)).

You advise us that the requestor in this instance is an employee of the commission facility where the children implicated here reside and is "professional staff" within the meaning of section 51.14(b)(1) of the Family Code. On the other hand, you explain that the requestor does not seek the information for purposes connected to his employment as "professional staff," but rather for some other purpose. While the Open Records Act does not permit a governmental body to inquire into the motives or purposes underlying a request for information, Gov't Code § 552.222, section 51.14(b)(1) of the Family Code is clearly intended to limit access to information made confidential by section 51.14 to "professional staff" who require the information for purposes connected with their employment. Section 51.14(b)(1) does not permit release of information to "professional staff" for personal purposes. Because the requestor does not seek the information at issue here for purposes connected with his employment as "professional staff," we conclude that section 51.14 of the Family Code makes the information confidential. Accordingly, the commission must withhold the requested information in its entirety under section 552.101 of the Government Code.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/GCK/rho

Enclosures: Submitted documents

Ref.: ID# 29110

cc: Mr. Gary L. Vaughn
P.O. Box 69
Brownwood, Texas 76804-0069
(w/o enclosures)